

April 3, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	IA-05-021
)	
ANDREW SIEMASZKO)	ASLBP No. 05-839-02-EA
)	

NRC STAFF STATUS REPORT

The Atomic Safety and Licensing Board issued an order dated March 2, 2006, granting the Staff's motion to hold this proceeding in abeyance and directing the Staff to submit a report to the Board on status of the criminal proceeding against Mr. Siemaszko on or before April 3, 2006. The Board's order further requires that the Staff continue to provide status reports on the criminal proceeding at intervals not to exceed 3 months until the criminal proceeding is completed or the Staff is otherwise prepared to go forward with this administrative proceeding.

On March 24, 2006, the government and counsel for the defendants in *United States v. Geisen et al.*, filed a joint motion for additional time to complete discovery, to effectively prepare for trial, and for Mr. Siemaszko's new counsel to begin his representation. On March 28, 2006, the court granted the parties' motion to extend the filing deadline to May 24, 2006.

Respectfully submitted,

/RA/

Mary C. Baty
Counsel for NRC Staff

Dated at Rockville, Maryland
this 3rd day of April, 2006

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of) IA-05-021
)
ANDREW SIEMASZKO) ASLBP No. 05-839-02-EA
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF STATUS REPORT" in the above captioned proceeding have been served on the following persons by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission internal mail system as indicated by an asterisk (*); and by electronic mail as indicated by a double asterisk (**) on this 3rd day of April, 2006.

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/RA/

Mary C. Baty
Counsel for NRC Staff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America, : Criminal No. 3:06-cr-00712-DAK
v. : JOINT MOTION
Geisen et al. : U.S. Magistrate Judge
: Vernelis K. Armstrong
:

Now come the undersigned for the government and defendants who advise the court, pursuant to prior order, that the status of this case is as follows:

Additional time is required to complete discovery, to prepare effectively for trial, and for Mr. Siemaszko's new counsel to begin his representation. This is the first request for an extension. The undersigned propose that the court schedule a status conference in two months, on May 24, 2006, at which time counsel will better able to assess when their trial preparation will be complete.

The delay caused by this request is excludable for the following reasons pursuant to the indicated statutory authority:

As the court is aware from the Indictment, this case arose in the context of the operation and regulation of a nuclear power plant, both of which are unusual and complex. The government represents that the case involves well in excess of 20,000

documents, many of which involve technical discussions regarding nuclear power plant engineering, operation, and management. The government is diligently producing those materials, mostly in electronic format. It will necessarily take significant time for counsel to assess how the materials fit into the case and to determine whether there are novel questions of fact or law that apply to it.

In addition, Mr. Siemaszko has recently engaged new defense counsel. His receipt of discovery in this case has been delayed by the transition.

Pursuant to 18 U.S.C. § 3161(h)(8)(A), the court may grant a continuance based on findings that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial. Section 3161(h)(8)(B) presents the factors, among others, which a judge shall consider in making an ends of justice determination. These include: whether the case is so unusual or complex that it is unreasonable to expect adequate trial preparation within the usual time limits, (18 U.S.C. § 3161(h)(8)(B)(ii)), and whether the regular schedule would deny the defendants or the government continuity of counsel or effective preparation in less complex or unusual cases, (18 U.S.C. § 3161(h)(8)(B)(iv)).

Based on the representations and authorities above, the undersigned ask that this court find that the ends of justice

served by granting an additional two month continuance outweigh the best interest of the public and the defendant in a speedy trial.

/s/Thomas T. Ballantine, Esq.
Attorney for Government

/s/Richard Hibey, Esq.
Attorney for Defendant Geisen
(signed per telephonic consent)

/s/John Conroy, Esq.
Attorney for Defendant Cook
(signed per telephonic consent)

/s/Charles Boss, Esq.
Attorney for Defendant Siemaszko
(signed per telephonic consent)

Motion filing deadline extended to 5/24/06.
Delay is excluded from the Speedy Trial as
ends of justice served by granting continuance.

IT IS SO ORDERED:

s/ Vernelis K. Armstrong
Vernelis K. Armstrong
U.S. Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Motion was served via facsimile and U.S. mail this 24th day of March, 2006, to counsel for defendants addressed as follows:

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Charles Boss, Esq., will be served through the electronic filing system.

/s/ Thomas T. Ballantine